

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

REENA S. MATHEW,
Plaintiff

v.

SANTANDER CONSUMER USA INC.,
Defendant

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Civil Action No. 3:23-cv-01494-N

PLAINTIFF’S MOTION TO CONSIDER DOCUMENT FILED OUT OF TIME

On September 27, 2024, after the deadline to file motions in this case, Plaintiff filed a Motion to Compel. For good cause, Plaintiff submits this motion asking the Court to take up and decide Plaintiff’s Motion to Compel.

Background

After two extensions, both requested by the Defendant, the deadline to file motions in this case was August 22, 2024.

On August 21, 2024, Plaintiff took a 30(b)(6) deposition of the Defendant on eight topics. Defendant presented Yessica Perez to testify on six of the topics, but she was unprepared and could not answer any questions on one of her topics (the performance review scores for Plaintiff and her comparators, for a three-year period).

Defendant designated Sabrina Boyd as it representative on two topics, but she failed to appear. The deposition resumed on August 29, 2024, and Boyd was not prepared on one of her two topics (Defendant’s efforts to preserve relevant evidence, such as performance reviews).

There is, therefore, good cause to modify the deadline for filing motions and accept Plaintiff’s Motion to Compel for consideration. The information Plaintiff sought is relevant and discoverable. Without a ruling on the Motion to Compel, Plaintiff could be ambushed at trial

with information that should have been disclosed in discovery. Furthermore, there is a possible spoliation issue with respect to the performance reviews and review scores.

WHEREFORE, Plaintiff respectfully requests the Court to accept the Motion to Compel as timely filed and consider the motion.

Respectfully submitted,

/s/ Donald E. Uloth
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Counsel for Plaintiff

CERTIFICATE OF CONFERENCE

On September 24, 2024 I conferred with Monte K. Hurst regarding the relief being requested in this motion. Defendant is opposed to the relief requested herein.

/s/ Donald E. Uloth
Donald E. Uloth

CERTIFICATE OF SERVICE

I certify that on October 1, 2024 I am filing this motion electronically using the Court's ECF filing system, which will email a file-marked copy of this motion to all counsel of record.

/s/ Donald E. Uloth
Donald E. Uloth